

1 NORMAN H. KIRSHMAN, P.C.
Nevada Bar Number: 2733
2 700 S. Third Street
Las Vegas, NV 89101
3 Telephone: (702) 382-5210
Facsimile: (702) 382-5602

4 Attorney for Defendant

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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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10 TRUSTEES OF THE TEAMSTERS LOCAL
631 SECURITY FUND FOR SOUTHERN
11 NEVADA,

12 Plaintiffs,

13 v.

14 NEVADA READY MIX CORPORATION, a
Delaware Corporation

15 Defendant.

CASE NO. 2:10-cv-01354-LDG-PAL

DEFENDANT'S MOTION FOR
SETTLEMENT CONFERENCE.

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17 Defendant, Nevada Ready Mix, hereby files a Motion for Settlement Conference.

18 On October 20, 2010, Defendant's counsel emailed Plaintiff's counsel requesting a
19 settlement meeting. On October 21, 2010, Defendant's counsel called Plaintiff's counsel, Dana
20 Krulewitz, and requested a settlement meeting either that day or the following day, informing her
21 that checks had been prepared by NRM to settle the matter. At that time, Ms. Krulewitz
22 informed Plaintiff's counsel that she did not have settlement authority and we would have to make
23 our request to Mr. Segal. Plaintiff's counsel then called Mr. Segal's office and left a voicemail,
24 reiterating what had been said to Ms. Krulewitz.

25 On October 21, 2010, Defendant's counsel received an email from Ms. Krulewitz stating
26 "Please go ahead and prepare the settlement offer you are thinking of and we will review it next
27 week." (Exhibit 1). After receipt of the email, Defendant's counsel again called Mr. Segal's
28

1 office and left a voicemail stating we would like to have a settlement meeting as soon as possible.

2 As of this date, we have not received a response to our voicemail.

3 Defendant's counsel has provided Mr. Segal with detailed payroll records and has had no
4 response from Mr. Segal.

5 Defendant requests the Court schedule a settlement conference in this matter as soon as
6 possible. Time is of the essence because liquidated damages at approximately twenty percent
7 (20%) of principal plus interest continue to run as well as the Trust Fund's attorneys fees.

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9 Dated: October 25, 2010

NORMAN H. KIRSHMAN, P.C.

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11 //ss/ Norman H. Kirshman
12 Norman H. Kirshman (2733)
13 700 S. Third Street
14 Las Vegas, NV 89101
15 *Attorney for Defendant*
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CERTIFICATE OF MAILING

I hereby certify that on the 25st day of October 2010, I served a true and correct copy of
“DEFENDANT’S MOTION FOR SETTLEMENT CONFERENCE” by:

X serving the following parties electronically through CM/ECF;

_____ faxing a copy to the numbers below;

_____ depositing a copy in the United States mail, first class postage fully prepaid to the
persons and addresses listed below:

Adam P. Segal, Esq.
Dana B. Krulewitz, Esq.
BROWNSTEIN HYATT FARBER SCHRECK, LP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614


An Employee of Norman H. Kirshman, P.C.

EXHIBIT “1”

EXHIBIT “1”

From: Krulewitz, Dana B. (DKrulewitz@BHFS.com)
To: kirshmanlaw@yahoo.com;
Date: Thu, October 21, 2010 11:13:35 AM
Cc: EDavis@BHFS.com;
Subject: RE: NRM / Trustees Teamsters 631

Please go ahead and prepare the settlement offer you are thinking of and we will review it next week.

Thanks,
Dana

From: Norman Kirshman [mailto:kirshmanlaw@yahoo.com]
Sent: Wednesday, October 20, 2010 3:44 PM
To: Krulewitz, Dana B.
Cc: Segal, Adam P.
Subject: NRM / Trustees Teamsters 631

Dear Dana,
I truly believe this matter can be settled, but we will need a meeting as soon as possible.

Norman H. Kirshman
(702) 382-5610